

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 1181, 1100, 1262 &amp; 1263

## AN ACT

To repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, and 143.121, RSMo, and to enact in lieu thereof thirty new sections relating to energy regulation, with penalty provisions.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 8.800, 8.810, 8.812, 8.815, 8.837,  
2           30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170, and  
3           143.121, RSMo, are repealed and thirty new sections enacted in  
4           lieu thereof, to be known as sections 8.295, 8.800, 8.810, 8.812,  
5           8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765,  
6           64.170, 143.121, 144.526, 161.365, 251.650, 386.850, 393.1045,  
7           640.017, 640.153, 640.157, 640.216, 701.500, 701.503, 701.506,  
8           701.509, 701.512, 701.515, and 1, to read as follows:

9           8.295. Up to ten percent of the amount appropriated each  
10          year from the Facilities Maintenance Reserve Fund created in  
11          Section 27(b) of Article IV of the Missouri Constitution shall be  
12          expended on maintenance, repair, or renovation projects that are  
13          otherwise allowable under the constitution but that are also

1 considered energy projects with a fifteen year payback or less.

2 8.800. As used in sections 8.800 to 8.825, the following  
3 terms mean:

4 (1) "Builder", the prime contractor that hires and  
5 coordinates building subcontractors or if there is no prime  
6 contractor, the contractor that completes more than fifty percent  
7 of the total construction work performed on the building.  
8 Construction work includes, but is not limited to, foundation,  
9 framing, wiring, plumbing and finishing work;

10 (2) "Department", the department of natural resources;

11 (3) "Designer", the architect, engineer, landscape  
12 architect, builder, interior designer or other person who  
13 performs the actual design work or is under the direct  
14 supervision and responsibility of the person who performs the  
15 actual design work;

16 (4) "District heating and cooling systems", heat pump  
17 systems which use waste heat from factories, sewage treatment  
18 plants, municipal solid waste incineration, lighting and other  
19 heat sources in office buildings or which use ambient thermal  
20 energy from sources including temperature differences in rivers  
21 to provide regional heating or cooling;

22 (5) "Division", the division of design and construction;

23 (6) "Energy efficiency", the increased productivity or  
24 effectiveness of energy resources use, the reduction of energy  
25 consumption, or the use of renewable energy sources;

26 (7) "Gray water", all domestic wastewater from a state  
27 building except wastewater from urinals, toilets, laboratory  
28 sinks, and garbage disposals;

1           (8) "Life cycle costs", the costs associated with the  
2 initial construction or renovation and the proposed energy  
3 consumption, operation and maintenance costs over the useful life  
4 of a state building or over the first twenty-five years after the  
5 construction or renovation is completed;

6           (9) "Public building", a building owned or operated by a  
7 governmental subdivision of the state, including, but not limited  
8 to, a city, county or school district;

9           (10) "Renewable energy source", a source of thermal,  
10 mechanical or electrical energy produced from solar, wind,  
11 low-head hydropower, biomass, hydrogen or geothermal sources, but  
12 not from the incineration of hazardous waste, municipal solid  
13 waste or sludge from sewage treatment facilities;

14           (11) "State agency", a department, commission, authority,  
15 office, college or university of this state;

16           (12) "State building", a building owned by this state or an  
17 agency of this state;

18           (13) "Substantial renovation" or "substantially renovated",  
19 modifications that will affect at least fifty percent of the  
20 square footage of the building or modifications that will cost at  
21 least fifty percent of the building's fair market value.

22           8.810. 1. In addition to all other requirements imposed by  
23 law, the director of the division shall require, for construction  
24 of a state building or substantial renovation of an existing  
25 state building when major energy systems are involved, that a  
26 design professional submit an analysis which meets the design  
27 program's space and use requirements and reflects the lowest life  
28 cycle cost possible in light of existing commercially available

1 technology. The analysis, using existing commercially available  
2 technology, shall include, but shall not be limited to, designs  
3 which use renewable energy sources, earth-sheltered construction,  
4 systems to recover and use waste heat, thermal storage heat pump  
5 systems, ambient thermal energy, district heating and cooling  
6 systems, devices to reduce water consumption, and plumbing  
7 systems to recover gray water for appropriate reuse.

8 2. The director of the division shall not let a contract  
9 after January 1, 1996, for construction of a state building or  
10 substantial renovation of an existing state building when major  
11 energy systems are involved before completing an evaluation of  
12 the design documents and construction documents based upon life  
13 cycle cost factors and the minimum energy efficiency standard  
14 established in subsection 1 of section 8.812.

15 3. Any design documents submitted to the division under  
16 this section shall, in addition to any other requirements under  
17 law, include a projection of the energy savings that will result  
18 from the design features that are employed in order to comply  
19 with the minimum energy efficiency standard established in  
20 subsection 1 of section 8.812.

21 8.812. 1. By January 1, [1995] 2009, the department[, in  
22 consultation with the division and the voluntary working group  
23 created in subsection 1 of section 8.815,] shall establish, by  
24 rule, a minimum energy efficiency standard for construction of a  
25 state building over five thousand square feet, substantial  
26 renovation of a state building over five thousand square feet  
27 when major energy systems are involved or a building over five  
28 thousand square feet which the state or state agency considers

1 for acquisition or lease. Such standard shall be at least as  
2 stringent as the [American Society of Heating, Refrigerating and  
3 Air Conditioning Engineers (ASHRAE) Standard 90] International  
4 Energy Conservation Code 2006, or the latest [revision] version  
5 thereof.

6 2. All design which is initiated on or after July 1, [1995]  
7 2009, for construction of a state building over five thousand  
8 square feet or substantial renovation of a state building over  
9 five thousand square feet when major energy systems are involved  
10 or any building over five thousand square feet which the state or  
11 state agency considers for acquisition or lease after July 1,  
12 [1995] 2009, shall meet applicable provisions of the minimum  
13 energy efficiency standard.

14 3. The commissioner of the office of administration may  
15 exempt any building from the requirements of subsection 2 of this  
16 section:

17 (1) When compliance with the minimum energy efficiency  
18 standard may compromise the safety of the building or any of its  
19 occupants; or

20 (2) When the cost of compliance is expected to exceed the  
21 projected energy cost savings gained.

22 8.815. The department and the division shall establish a  
23 voluntary working group of persons and interest groups with  
24 expertise in energy efficiency, including, but not limited to,  
25 such persons as electrical engineers, mechanical engineers,  
26 builders, contractors, architects, landscape architects, interior  
27 designers, nonprofit organizations, persons affiliated with gas  
28 or electric utilities, and persons with expertise in solar and

1 renewable energy forms. The voluntary working group shall advise  
2 the department on the development of the energy efficiency  
3 standard and shall assist the department in implementation of the  
4 standard by recommending, reviewing and coordinating education  
5 programs for designers, builders, businesses and other interested  
6 persons to facilitate incorporation of the standard into existing  
7 practices.

8 8.837. 1. By [July 1, 1994] January 1, 2009, the  
9 department shall establish, by rule, a minimum energy efficiency  
10 standard for new and substantially renovated state buildings over  
11 five thousand square feet which shall be at least as stringent as  
12 the [American Society of Heating, Refrigerating and Air  
13 Conditioning Engineers (ASHRAE) Standard 90.01-1989, as revised,  
14 and shall be at least as stringent as any statewide energy  
15 efficiency standard required pursuant to the Energy Policy Act of  
16 1992 (Public Law 102-486)] International Energy Conservation Code  
17 2006, or the latest version thereof.

18 2. All new or substantially renovated state buildings over  
19 five thousand square feet for which design of such construction  
20 or renovation is initiated on or after July 1, [1994] 2009, shall  
21 meet applicable provisions of the minimum energy efficiency  
22 standard.

23 30.750. As used in sections 30.750 to 30.767, the following  
24 terms mean:

25 (1) "Eligible agribusiness", a person engaged in the  
26 processing or adding of value to agricultural products produced  
27 in Missouri;

28 (2) "Eligible alternative energy operation", a business

enterprise engaged in the production and sale of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision (5) of this section;

(3) "Eligible beginning farmer",

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars.

A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

1           b. Meets all other requirements established by the Missouri  
2 agriculture and small business development authority;

3           **[(3)]** (4) "Eligible facility borrower", a borrower  
4 qualified under section 30.860 to apply for a reduced-rate loan  
5 under sections 30.750 to 30.767;

6           **[(4)]** (5) "Eligible farming operation", any person engaged  
7 in farming in an authorized farm corporation, family farm, or  
8 family farm corporation as defined in section 350.010, RSMo, that  
9 has all of the following characteristics:

10           (a) Is headquartered in this state;

11           (b) Maintains offices, operating facilities, or farming  
12 operations and transacts business in this state;

13           (c) Employs less than ten employees;

14           (d) Is organized for profit;

15           (e) Possesses not more than sixty percent equity, where  
16 "percent equity" is defined as total assets minus total  
17 liabilities divided by total assets, except that an otherwise  
18 eligible farming operation applying for a loan for the purpose of  
19 installing or improving a waste management practice in order to  
20 comply with environmental protection regulations shall be exempt  
21 from this eligibility requirement;

22           **[(5)]** (6) "Eligible higher education institution", any  
23 approved public or private institution as defined in section  
24 173.205, RSMo;

25           **[(6)]** (7) "Eligible job enhancement business", a new,  
26 existing, or expanding firm operating in Missouri, or as a  
27 condition of accepting the linked deposit, will locate a facility  
28 or office in Missouri associated with said linked deposit, which



1 employs ten or more employees in Missouri on a yearly average and  
2 which, as nearly as possible, is able to establish or retain at  
3 least one job in Missouri for each fifty thousand dollars  
4 received from a linked deposit loan;

5        [(7)] (8) "Eligible lending institution", a financial  
6 institution that is eligible to make commercial or agricultural  
7 or student loans or discount or purchase such loans, is a public  
8 depository of state funds or obtains its funds through the  
9 issuance of obligations, either directly or through a related  
10 entity, eligible for the placement of state funds under the  
11 provisions of section 15, article IV, Constitution of Missouri,  
12 and agrees to participate in the linked deposit program;

13        [(8)] (9) "Eligible livestock operation", any person  
14 engaged in production of livestock or poultry in an authorized  
15 farm corporation, family farm, or family farm corporation as  
16 defined in section 350.010, RSMo;

17        [(9)] (10) "Eligible locally owned business", any person  
18 seeking to establish a new firm, partnership, cooperative  
19 company, or corporation that shall retain at least fifty-one  
20 percent ownership by residents in a county in which the business  
21 is headquartered, that consists of the following characteristics:

22        (a) The county has a median population of twelve thousand  
23 five hundred or less; and

24        (b) The median income of residents in the county are equal  
25 to or less than the state median income; or

26        (c) The unemployment rate of the county is equal to or  
27 greater than the state's unemployment rate;

28        [(10)] (11) "Eligible marketing enterprise", a business

1 enterprise operating in this state which is in the process of  
2 marketing its goods, products or services within or outside of  
3 this state or overseas, which marketing is designed to increase  
4 manufacturing, transportation, mining, communications, or other  
5 enterprises in this state, which has proposed its marketing plan  
6 and strategy to the department of economic development and which  
7 plan and strategy has been approved by the department for  
8 purposes of eligibility pursuant to sections 30.750 to 30.767.

9 Such business enterprise shall conform to the characteristics of  
10 paragraphs (a), (b) and (d) of subdivision [(4)] (5) of this  
11 section and also employ less than twenty-five employees;

12 [(11)] (12) "Eligible multitenant development enterprise",  
13 a new enterprise that develops multitenant space for targeted  
14 industries as determined by the department of economic  
15 development and approved by the department for the purposes of  
16 eligibility pursuant to sections 30.750 to 30.767;

17 [(12)] (13) "Eligible residential property developer", an  
18 individual who purchases and develops a residential structure of  
19 either two or four units, if such residential property developer  
20 uses and agrees to continue to use, for at least the five years  
21 immediately following the date of issuance of the linked deposit  
22 loan, one of the units as his principal residence or if such  
23 person's principal residence is located within one-half mile from  
24 the developed structure and such person agrees to maintain the  
25 principal residence within one-half mile of the developed  
26 structure for at least the five years immediately following the  
27 date of issuance of the linked deposit loan;

28 [(13)] (14) "Eligible residential property owner", a

1 person, firm or corporation who purchases, develops or  
2 rehabilitates a multifamily residential structure;

3 [(14)] (15) "Eligible small business", a person engaged in  
4 an activity with the purpose of obtaining, directly or  
5 indirectly, a gain, benefit or advantage and which conforms to  
6 the characteristics of paragraphs (a), (b) and (d) of subdivision  
7 [(4)] (5) of this section, and also employs less than twenty-five  
8 employees;

9 [(15)] (16) "Eligible student borrower", any person  
10 attending, or the parent of a dependent undergraduate attending,  
11 an eligible higher education institution in Missouri who may or  
12 may not qualify for need-based student financial aid calculated  
13 by the federal analysis called Congressional Methodology Formula  
14 pursuant to 20 U.S.C. 1078, as amended (the Higher Education  
15 Amendments of 1986);

16 [(16)] (17) "Eligible water supply system", a water system  
17 which serves fewer than fifty thousand persons and which is owned  
18 and operated by:

19 (a) A public water supply district established pursuant to  
20 chapter 247, RSMo; or

21 (b) A municipality or other political subdivision; or

22 (c) A water corporation;

23 and which is certified by the department of natural resources in  
24 accordance with its rules and regulations to have suffered a  
25 significant decrease in its capacity to meet its service needs as  
26 a result of drought;

27 [(17)] (18) "Farming", using or cultivating land for the  
28 production of agricultural crops, livestock or livestock

1 products, forest products, poultry or poultry products, milk or  
2 dairy products, or fruit or other horticultural products;

3 [(18)] (19) "Linked deposit", a certificate of deposit, or  
4 in the case of production credit associations, the subscription  
5 or purchase outright of obligations described in section 15,  
6 article IV, Constitution of Missouri, placed by the state  
7 treasurer with an eligible lending institution at rates otherwise  
8 provided by law in section 30.758, provided the institution  
9 agrees to lend the value of such deposit, according to the  
10 deposit agreement provided in sections 30.750 to 30.767, to  
11 eligible small businesses, eligible alternative energy  
12 operations, eligible locally owned businesses, farming  
13 operations, eligible job enhancement businesses, eligible  
14 marketing enterprises, eligible residential property developers,  
15 eligible residential property owners, eligible agribusinesses,  
16 eligible beginning farmers, eligible livestock operations,  
17 eligible student borrowers, eligible facility borrowers, or  
18 eligible water supply systems at below the present borrowing rate  
19 applicable to each small business, farming operation, eligible  
20 job enhancement business, eligible marketing enterprise, eligible  
21 residential property developer, eligible residential property  
22 owner, eligible agribusiness, eligible beginning farmer, eligible  
23 livestock operation, eligible student borrower, or supply system  
24 at the time of the deposit of state funds in the institution;

25 [(19)] (20) "Market rate", the interest rate tied to  
26 federal government securities and more specifically described in  
27 subsection 4 of section 30.260;

28 (21) "Professional forester", any individual who holds a

bachelor of science degree in forestry from a regionally  
accredited college or university with a minimum of two years of  
professional forest management experience;

(22) "Qualified biomass", any agriculture-derived organic  
material or any wood-derived organic material harvested in  
accordance with a site specific forest management plan focused on  
long-term forest sustainability developed by a professional  
forester and qualified, in consultation with the conservation  
commission, by the agriculture and small business development  
authority;

[(20)] (23) "Water corporation", as such term is defined  
in section 386.020, RSMo;

[(21)] (24) "Water system", as such term is defined in  
section 386.020, RSMo.

30.753. 1. The state treasurer may invest in linked  
deposits; however, the total amount so deposited at any one time  
shall not exceed, in the aggregate, seven hundred twenty million  
dollars. No more than three hundred thirty million dollars of  
the aggregate deposit shall be used for linked deposits to  
eligible farming operations, eligible locally owned businesses,  
eligible agribusinesses, eligible beginning farmers, eligible  
livestock operations, and eligible facility borrowers, no more  
than one hundred ten million of the aggregate deposit shall be  
used for linked deposits to small businesses, no more than twenty  
million dollars shall be used for linked deposits to eligible  
multitenant development enterprises, and no more than twenty  
million dollars of the aggregate deposit shall be used for linked  
deposits to eligible residential property developers and eligible

1 residential property owners, no more than two hundred twenty  
2 million dollars of the aggregate deposit shall be used for linked  
3 deposits to eligible job enhancement businesses and no more than  
4 twenty million dollars of the aggregate deposit shall be used for  
5 linked deposit loans to eligible water systems. Linked deposit  
6 loans may be made to eligible student borrowers and eligible  
7 alternative energy operations from the aggregate deposit. If  
8 demand for a particular type of linked deposit exceeds the  
9 initial allocation, and funds initially allocated to another type  
10 are available and not in demand, the state treasurer may  
11 commingle allocations among the types of linked deposits.

12 2. The minimum deposit to be made by the state treasurer to  
13 an eligible lending institution for eligible job enhancement  
14 business loans shall be ninety thousand dollars. Linked deposit  
15 loans for eligible job enhancement businesses may be made for the  
16 purposes of assisting with relocation expenses, working capital,  
17 interim construction, inventory, site development, machinery and  
18 equipment, or other expenses necessary to create or retain jobs  
19 in the recipient firm.

20 30.756. 1. An eligible lending institution that desires to  
21 receive a linked deposit shall accept and review applications for  
22 linked deposit loans from eligible multitenant enterprises,  
23 eligible farming operations, eligible alternative energy  
24 operations, eligible locally owned businesses, eligible small  
25 businesses, eligible job enhancement businesses, eligible  
26 marketing enterprises, eligible agribusinesses, eligible  
27 beginning farmers, eligible livestock operations, eligible  
28 residential property developers, eligible residential property

1 owners, eligible student borrowers, eligible facility borrowers,  
2 and eligible water supply systems. An eligible residential  
3 property owner shall certify on his or her loan application that  
4 the reduced rate loan will be used exclusively to purchase,  
5 develop or rehabilitate a multifamily residential property. The  
6 lending institution shall apply all usual lending standards to  
7 determine the creditworthiness of each eligible multitenant  
8 enterprise, eligible farming operation, eligible alternative  
9 energy operation, eligible locally owned business, eligible small  
10 business, eligible job enhancement business, eligible marketing  
11 enterprise, eligible residential property developer, eligible  
12 residential property owner, eligible agribusiness, eligible  
13 beginning farmer, eligible livestock operation, eligible student  
14 borrower, eligible facility borrower, or eligible water supply  
15 system. No linked deposit loan made to any eligible farming  
16 operation, eligible alternative energy operation, eligible  
17 locally owned business, eligible livestock operation, eligible  
18 agribusiness or eligible small business shall exceed a dollar  
19 limit determined by the state treasurer in the state treasurer's  
20 best judgment, except as otherwise limited. Any link deposit  
21 loan made to an eligible facility borrower shall be in accordance  
22 with the loan amount and loan term requirements in section  
23 30.860.

24 2. An eligible farming operation, small business or job  
25 enhancement business shall certify on its loan application that  
26 the reduced rate loan will be used exclusively for necessary  
27 production expenses or the expenses listed in subsection 2 of  
28 section 30.753 or the refinancing of an existing loan for

1 production expenses or the expenses listed in subsection 2 of  
2 section 30.753 of an eligible farming operation, small business  
3 or job enhancement business. Whoever knowingly makes a false  
4 statement concerning such application is guilty of a class A  
5 misdemeanor. An eligible water supply system shall certify on  
6 its loan application that the reduced rate loan shall be used  
7 exclusively to pay the costs of upgrading or repairing an  
8 existing water system, constructing a new water system, or making  
9 other capital improvements to a water system which are necessary  
10 to improve the service capacity of the system.

11 3. In considering which eligible farming operations should  
12 receive reduced-rate loans, the eligible lending institution  
13 shall give priority to those farming operations which have  
14 suffered reduced yields due to drought or other natural disasters  
15 and for which the receipt of a reduced-rate loan will make a  
16 significant contribution to the continued operation of the  
17 recipient farming operation.

18 4. The eligible financial institution shall forward to the  
19 state treasurer a linked deposit loan package, in the form and  
20 manner as prescribed by the state treasurer. The package shall  
21 include such information as required by the state treasurer,  
22 including the amount of each loan requested. The institution  
23 shall certify that each applicant is an eligible farming  
24 operation, eligible alternative energy operation, eligible  
25 locally owned business, eligible small business, eligible job  
26 enhancement business, eligible marketing enterprise, eligible  
27 residential property developer, eligible residential property  
28 owner, eligible agribusiness, eligible beginning farmer, eligible



1 livestock operation, eligible student borrower, eligible facility  
2 borrower, or eligible water supply system, and shall, for each  
3 eligible farming operation, small business, eligible job  
4 enhancement business, eligible marketing enterprise, eligible  
5 residential property developer, eligible residential property  
6 owner, eligible agribusiness, eligible beginning farmer, eligible  
7 livestock operation, eligible student borrower, eligible facility  
8 borrower, or eligible water supply system, certify the present  
9 borrowing rate applicable.

10 5. The eligible lending institution shall be responsible  
11 for determining if a student borrower is an eligible student  
12 borrower. A student borrower shall be eligible for an initial or  
13 renewal reduced-rate loan only if, at the time of the application  
14 for the loan, the student is a citizen or permanent resident of  
15 the United States, a resident of the state of Missouri as defined  
16 by the coordinating board for higher education, is enrolled or  
17 has been accepted for enrollment in an eligible higher education  
18 institution, and establishes that the student has financial need.  
19 In considering which eligible student borrowers may receive  
20 reduced-rate loans, the eligible lending institution may give  
21 priority to those eligible student borrowers whose income, or  
22 whose family income, if the eligible student borrower is a  
23 dependent, is such that the eligible student borrower does not  
24 qualify for need-based student financial aid pursuant to 20  
25 U.S.C. 1078, as amended (the Higher Education Amendments of  
26 1986). The eligible lending institution shall require the  
27 eligible student borrower to document that the student has  
28 applied for and has obtained all need-based student financial aid

1 for which the student is eligible prior to application for a  
2 reduced-rate loan pursuant to this section. In no case shall the  
3 combination of all financial aid awarded to any student in any  
4 particular enrollment period exceed the total cost of attendance  
5 at the institution in which the student is enrolled. No eligible  
6 lending institution shall charge any additional fees, including  
7 but not limited to an origination, service or insurance fee on  
8 any loan agreement under the provisions of sections 30.750 to  
9 30.765.

10 6. The eligible lending institution making an initial loan  
11 to an eligible student borrower may make a renewal loan or loans  
12 to the student. The total of such reduced-rate loans from  
13 eligible lending institutions made pursuant to this section to  
14 any individual student shall not exceed the cumulative totals  
15 established by 20 U.S.C. 1078, as amended. An eligible student  
16 borrower shall certify on his or her loan application that the  
17 reduced rate loan shall be used exclusively to pay the costs of  
18 tuition, incidental fees, books and academic supplies, room and  
19 board and other fees directly related to enrollment in an  
20 eligible higher education institution. The eligible lending  
21 institution shall make the loan payable to the eligible student  
22 borrower and the eligible higher education institution as  
23 co-payees. The method of repayment of the loan shall be the same  
24 as for repayment of loans made pursuant to sections 173.095 to  
25 173.186, RSMo.

26 7. Beginning August 28, 2005, in considering which eligible  
27 multitenant enterprise, eligible farming operation, eligible  
28 alternative energy operation, eligible locally owned business,

1 eligible small business, eligible job enhancement business,  
2 eligible marketing enterprise, eligible residential property  
3 developer, eligible residential property owner, eligible  
4 agribusiness, eligible beginning farmer, eligible livestock  
5 operation, eligible student borrower, eligible facility borrower,  
6 or eligible water supply system should receive reduced-rate  
7 loans, the eligible lending institution shall give priority to an  
8 eligible multitenant enterprise, eligible farming operation,  
9 eligible alternative energy operation, eligible locally owned  
10 business, eligible small business, eligible job enhancement  
11 business, eligible marketing enterprise, eligible residential  
12 property developer, eligible residential property owner, eligible  
13 agribusiness, eligible beginning farmer, eligible livestock  
14 operation, eligible student borrower, eligible facility borrower,  
15 or eligible water supply system that has not previously received  
16 a reduced-rate loan through the linked deposit program. However,  
17 nothing shall prohibit an eligible lending institution from  
18 making a reduced-rate loan to any entity that previously has  
19 received such a loan, if such entity otherwise qualifies for such  
20 a reduced-rate loan.

21 30.758. 1. The state treasurer may accept or reject a  
22 linked deposit loan package or any portion thereof.

23 2. The state treasurer shall make a good faith effort to  
24 ensure that the linked deposits are placed with eligible lending  
25 institutions to make linked deposit loans to minority- or  
26 female-owned eligible multitenant enterprises, eligible farming  
27 operations, eligible alternative energy operations, eligible  
28 locally owned businesses, eligible small businesses, eligible job

1 enhancement businesses, eligible marketing enterprises, eligible  
2 residential property developers, eligible residential property  
3 owners, eligible agribusinesses, eligible beginning farmers,  
4 eligible livestock operations, eligible student borrowers,  
5 eligible facility borrowers, or eligible water supply systems.  
6 Results of such effort shall be included in the linked deposit  
7 review committee's annual report to the governor.

8         3. Upon acceptance of the linked deposit loan package or  
9 any portion thereof, the state treasurer may place linked  
10 deposits with the eligible lending institution as follows: when  
11 market rates are five percent or above, the state treasurer shall  
12 reduce the market rate by up to three percentage points to obtain  
13 the linked deposit rate; when market rates are less than five  
14 percent, the state treasurer shall reduce the market rate by up  
15 to sixty percent to obtain the linked deposit rate, provided that  
16 the linked deposit rate is not below one percent. All linked  
17 deposit rates are determined and calculated by the state  
18 treasurer. When necessary, the treasurer may place linked  
19 deposits prior to acceptance of a linked deposit loan package.

20         4. The eligible lending institution shall enter into a  
21 deposit agreement with the state treasurer, which shall include  
22 requirements necessary to carry out the purposes of sections  
23 30.750 to 30.767. The deposit agreement shall specify the length  
24 of time for which the lending institution will lend funds upon  
25 receiving a linked deposit, and the original deposit plus  
26 renewals shall not exceed five years, except as otherwise  
27 provided in this chapter. The agreement shall also include  
28 provisions for the linked deposit of a linked deposit for an

1 eligible facility borrower, eligible multitenant enterprise,  
2 eligible farming operation, eligible alternative energy  
3 operation, eligible locally owned business, eligible small  
4 business, eligible marketing enterprise, eligible residential  
5 property developer, eligible residential property owner, eligible  
6 agribusiness, eligible beginning farmer, eligible livestock  
7 operation, eligible student borrower or job enhancement business.  
8 Interest shall be paid at the times determined by the state  
9 treasurer.

10 5. The period of time for which such linked deposit is  
11 placed with an eligible lending institution shall be neither  
12 longer nor shorter than the period of time for which the linked  
13 deposit is used to provide loans at reduced interest rates. The  
14 agreement shall further provide that the state shall receive  
15 market interest rates on any linked deposit or any portion  
16 thereof for any period of time for which there is no  
17 corresponding linked deposit loan outstanding to an eligible  
18 multitenant enterprise, eligible farming operation, eligible  
19 alternative energy operation, eligible locally owned business,  
20 eligible small business, eligible job enhancement business,  
21 eligible marketing enterprise, eligible residential property  
22 developer, eligible residential property owner, eligible  
23 agribusiness, eligible beginning farmer, eligible livestock  
24 operation, eligible student borrower, eligible facility borrower,  
25 or eligible water supply system, except as otherwise provided in  
26 this subsection. Within thirty days after the annual anniversary  
27 date of the linked deposit, the eligible lending institution  
28 shall repay the state treasurer any linked deposit principal

1 received from borrowers in the previous yearly period and  
2 thereafter repay such principal within thirty days of the yearly  
3 anniversary date calculated separately for each linked deposit  
4 loan, and repaid at the linked deposit rate. Such principal  
5 payment shall be accelerated when more than thirty percent of the  
6 linked deposit loan is repaid within a single monthly period.  
7 Any principal received and not repaid, up to the point of the  
8 thirty percent or more payment, shall be repaid within thirty  
9 days of that payment at the linked deposit rate. Finally, when  
10 the linked deposit is tied to a revolving line of credit  
11 agreement between the banking institution and its borrower, the  
12 full amount of the line of credit shall be excluded from the  
13 repayment provisions of this subsection.

14 30.760. 1. Upon the placement of a linked deposit with an  
15 eligible lending institution, such institution is required to  
16 lend such funds to each approved eligible multitenant enterprise,  
17 eligible farm operation, eligible alternative energy operation,  
18 eligible locally owned business, eligible small business,  
19 eligible job enhancement business, eligible marketing enterprise,  
20 eligible residential property developer, eligible residential  
21 property owner, eligible agribusiness, eligible beginning farmer,  
22 eligible livestock operation, eligible student borrower, eligible  
23 facility borrower, or eligible water supply system listed in the  
24 linked deposit loan package required by section 30.756 and in  
25 accordance with the deposit agreement required by section 30.758.  
26 The loan shall be at a fixed rate of interest reduced by the  
27 amount established under subsection 3 of section 30.758 to each  
28 eligible multitenant enterprise, eligible farming operation,

1 eligible alternative energy operation, eligible locally owned  
2 business, eligible small business, eligible job enhancement  
3 business, eligible marketing enterprise, eligible residential  
4 property developer, eligible residential property owner, eligible  
5 agribusiness, eligible beginning farmer, eligible livestock  
6 operation, eligible student borrower, eligible facility borrower,  
7 or eligible water supply system as determined pursuant to rules  
8 and regulations promulgated by the state treasurer under the  
9 provisions of chapter 536, RSMo, including emergency rules issued  
10 pursuant to section 536.025, RSMo. In addition, the loan  
11 agreement shall specify that the eligible multitenant enterprise,  
12 eligible farming operation, eligible alternative energy  
13 operation, eligible locally owned business, eligible small  
14 business, eligible job enhancement business, eligible marketing  
15 enterprise, eligible residential property developer, eligible  
16 residential property owner, eligible agribusiness, eligible  
17 beginning farmer, eligible livestock operation, eligible student  
18 borrower, eligible facility borrower, or eligible water supply  
19 system shall use the proceeds as required by sections 30.750 to  
20 30.765, and that in the event the loan recipient does not use the  
21 proceeds in the manner prescribed by sections 30.750 to 30.765,  
22 the remaining proceeds shall be immediately returned to the  
23 lending institution and that any proceeds used by the loan  
24 recipient shall be repaid to the lending institution as soon as  
25 practicable. All records and documents pertaining to the programs  
26 established by sections 30.750 to 30.765 shall be segregated by  
27 the lending institution for ease of identification and  
28 examination. A certification of compliance with this section in

1 the form and manner as prescribed by the state treasurer shall be  
2 required of the eligible lending institution. Any lender or  
3 lending officer of an eligible lending institution who knowingly  
4 violates the provisions of sections 30.750 to 30.765 is guilty of  
5 a class A misdemeanor.

6 2. The state treasurer shall take any and all steps  
7 necessary to implement the linked deposit program and monitor  
8 compliance of eligible multitenant enterprises, eligible lending  
9 institutions, eligible farming operations, eligible alternative  
10 energy operations, eligible locally owned businesses, eligible  
11 small businesses, eligible job enhancement businesses, eligible  
12 marketing enterprises, eligible residential property developers,  
13 eligible residential property owners, eligible agribusinesses,  
14 eligible beginning farmers, eligible livestock operations,  
15 eligible facility borrowers, or eligible water supply systems.

16 30.765. The state and the state treasurer are not liable to  
17 any eligible lending institution in any manner for payment of the  
18 principal or interest on the loan to an eligible multitenant  
19 enterprise, eligible farm operation, eligible alternative energy  
20 operation, eligible locally owned business, eligible small  
21 business, eligible job enhancement business, eligible marketing  
22 enterprise, eligible residential property developer, eligible  
23 residential property owner, eligible agribusiness, eligible  
24 beginning farmer, eligible livestock operation, eligible student  
25 borrower, eligible facility borrower, or eligible water supply  
26 system. Any delay in payments or default on the part of an  
27 eligible multitenant enterprise, eligible farming operation,  
28 eligible alternative energy operation, eligible locally owned



1 business, eligible small business, eligible job enhancement  
2 business, eligible marketing enterprise, eligible residential  
3 property developer, eligible residential property owner, eligible  
4 agribusiness, eligible beginning farmer, eligible livestock  
5 operation, eligible student borrower, eligible facility borrower,  
6 or eligible water supply system does not in any manner affect the  
7 deposit agreement between the eligible lending institution and  
8 the state treasurer.

9 64.170. 1. For the purpose of promoting the public safety,  
10 health and general welfare, to protect life and property and to  
11 prevent the construction of fire hazardous buildings, the county  
12 commission in all counties of the first and second  
13 classification, as provided by law, is for this purpose  
14 empowered, subject to the provisions of subsections 2 and 3 [and  
15 4] of this section, to adopt by order or ordinance regulations to  
16 control the construction, reconstruction, alteration or repair of  
17 any building or structure and any electrical wiring or electrical  
18 installation, plumbing or drain laying therein, and provide for  
19 the issuance of building permits and adopt regulations licensing  
20 persons, firms or corporations other than federal, state or local  
21 governments, public utilities and their contractors engaged in  
22 the business of electrical wiring or installations and provide  
23 for the inspection thereof and establish a schedule of permit,  
24 license and inspection fees and appoint a building commission to  
25 prepare the regulations, as herein provided.

26 2. [For the purpose of promoting the public safety, health  
27 and general welfare, to protect life and property, the county  
28 commission in a county of the first classification having a

1 population of more than one hundred sixty thousand but less than  
2 two hundred thousand, as provided by law, is for this purpose  
3 empowered to adopt by order or ordinance regulations to control  
4 the construction, reconstruction, alteration or repair of any  
5 building or structure, and provide for the issuance of building  
6 permits and adopt regulations licensing contractors, firms or  
7 corporations other than federal, state or local governments,  
8 public utilities and their contractors engaged in the business of  
9 plumbing or drain laying and provide for the inspection thereof  
10 and establish a schedule of permit, license and inspection fee  
11 and appoint a building commission to prepare the regulations, as  
12 herein provided.

13       3.] Any county which has not adopted a building code prior  
14 to August 28, 2001, pursuant to sections 64.170 to 64.200, shall  
15 not have the authority to adopt a building code pursuant to such  
16 sections unless the authority is approved by voters, subject to  
17 the provisions of subsection [4] 3 of this section.

18       The ballot of submission for authority pursuant to this  
19 subsection shall be in substantially the following form:

20       "Shall ..... (insert name of county) have  
21 authority to create, adopt and impose a county building code?"

22               ☐ YES

☐ NO

23       [4.] 3. The proposal of the authority to adopt a building  
24 code shall be voted on only by voters in the area affected by the  
25 proposed code, such that a code affecting a county shall not be  
26 voted upon by citizens of any incorporated territory.

27       143.121. 1. The Missouri adjusted gross income of a  
28 resident individual shall be the taxpayer's federal adjusted

1 gross income subject to the modifications in this section.

2 2. There shall be added to the taxpayer's federal adjusted  
3 gross income:

4 (a) The amount of any federal income tax refund received  
5 for a prior year which resulted in a Missouri income tax benefit;

6 (b) Interest on certain governmental obligations excluded  
7 from federal gross income by Section 103 of the Internal Revenue  
8 Code. The previous sentence shall not apply to interest on  
9 obligations of the state of Missouri or any of its political  
10 subdivisions or authorities and shall not apply to the interest  
11 described in subdivision (a) of subsection 3 of this section.

12 The amount added pursuant to this paragraph shall be reduced by  
13 the amounts applicable to such interest that would have been  
14 deductible in computing the taxable income of the taxpayer except  
15 only for the application of Section 265 of the Internal Revenue  
16 Code. The reduction shall only be made if it is at least five  
17 hundred dollars;

18 (c) The amount of any deduction that is included in the  
19 computation of federal taxable income pursuant to Section 168 of  
20 the Internal Revenue Code as amended by the Job Creation and  
21 Worker Assistance Act of 2002 to the extent the amount deducted  
22 relates to property purchased on or after July 1, 2002, but  
23 before July 1, 2003, and to the extent the amount deducted  
24 exceeds the amount that would have been deductible pursuant to  
25 Section 168 of the Internal Revenue Code of 1986 as in effect on  
26 January 1, 2002;

27 (d) The amount of any deduction that is included in the  
28 computation of federal taxable income for net operating loss

1 allowed by Section 172 of the Internal Revenue Code of 1986, as  
2 amended, other than the deduction allowed by Section 172(b)(1)(G)  
3 and Section 172(i) of the Internal Revenue Code of 1986, as  
4 amended, for a net operating loss the taxpayer claims in the tax  
5 year in which the net operating loss occurred or carries forward  
6 for a period of more than twenty years and carries backward for  
7 more than two years. Any amount of net operating loss taken  
8 against federal taxable income but disallowed for Missouri income  
9 tax purposes pursuant to this paragraph after June 18, 2002, may  
10 be carried forward and taken against any income on the Missouri  
11 income tax return for a period of not more than twenty years from  
12 the year of the initial loss; and

13 (e) For nonresident individuals in all taxable years ending  
14 on or after December 31, 2006, the amount of any property taxes  
15 paid to another state or a political subdivision of another state  
16 for which a deduction was allowed on such nonresident's federal  
17 return in the taxable year.

18 3. There shall be subtracted from the taxpayer's federal  
19 adjusted gross income the following amounts to the extent  
20 included in federal adjusted gross income:

21 (a) Interest or dividends on obligations of the United  
22 States and its territories and possessions or of any authority,  
23 commission or instrumentality of the United States to the extent  
24 exempt from Missouri income taxes pursuant to the laws of the  
25 United States. The amount subtracted pursuant to this paragraph  
26 shall be reduced by any interest on indebtedness incurred to  
27 carry the described obligations or securities and by any expenses  
28 incurred in the production of interest or dividend income

1 described in this paragraph. The reduction in the previous  
2 sentence shall only apply to the extent that such expenses  
3 including amortizable bond premiums are deducted in determining  
4 the taxpayer's federal adjusted gross income or included in the  
5 taxpayer's Missouri itemized deduction. The reduction shall only  
6 be made if the expenses total at least five hundred dollars;

7 (b) The portion of any gain, from the sale or other  
8 disposition of property having a higher adjusted basis to the  
9 taxpayer for Missouri income tax purposes than for federal income  
10 tax purposes on December 31, 1972, that does not exceed such  
11 difference in basis. If a gain is considered a long-term capital  
12 gain for federal income tax purposes, the modification shall be  
13 limited to one-half of such portion of the gain;

14 (c) The amount necessary to prevent the taxation pursuant  
15 to this chapter of any annuity or other amount of income or gain  
16 which was properly included in income or gain and was taxed  
17 pursuant to the laws of Missouri for a taxable year prior to  
18 January 1, 1973, to the taxpayer, or to a decedent by reason of  
19 whose death the taxpayer acquired the right to receive the income  
20 or gain, or to a trust or estate from which the taxpayer received  
21 the income or gain;

22 (d) Accumulation distributions received by a taxpayer as a  
23 beneficiary of a trust to the extent that the same are included  
24 in federal adjusted gross income;

25 (e) The amount of any state income tax refund for a prior  
26 year which was included in the federal adjusted gross income;

27 (f) The portion of capital gain specified in section  
28 135.357, RSMo, that would otherwise be included in federal

1 adjusted gross income;

2 (g) The amount that would have been deducted in the  
3 computation of federal taxable income pursuant to Section 168 of  
4 the Internal Revenue Code as in effect on January 1, 2002, to the  
5 extent that amount relates to property purchased on or after July  
6 1, 2002, but before July 1, 2003, and to the extent that amount  
7 exceeds the amount actually deducted pursuant to Section 168 of  
8 the Internal Revenue Code as amended by the Job Creation and  
9 Worker Assistance Act of 2002;

10 (h) For all tax years beginning on or after January 1,  
11 2005, the amount of any income received for military service  
12 while the taxpayer serves in a combat zone which is included in  
13 federal adjusted gross income and not otherwise excluded  
14 therefrom. As used in this section, "combat zone" means any area  
15 which the President of the United States by Executive Order  
16 designates as an area in which armed forces of the United States  
17 are or have engaged in combat. Service is performed in a combat  
18 zone only if performed on or after the date designated by the  
19 President by Executive Order as the date of the commencing of  
20 combat activities in such zone, and on or before the date  
21 designated by the President by Executive Order as the date of the  
22 termination of combatant activities in such zone; and

23 (i) For all tax years ending on or after July 1, 2002, with  
24 respect to qualified property that is sold or otherwise disposed  
25 of during a taxable year by a taxpayer and for which an addition  
26 modification was made under paragraph (c) of subsection 2 of this  
27 section, the amount by which addition modification made under  
28 paragraph (c) of subsection 2 of this section on qualified

1 property has not been recovered through the additional  
2 subtractions provided in paragraph (g) of this subsection.

3 4. There shall be added to or subtracted from the  
4 taxpayer's federal adjusted gross income the taxpayer's share of  
5 the Missouri fiduciary adjustment provided in section 143.351.

6 5. There shall be added to or subtracted from the  
7 taxpayer's federal adjusted gross income the modifications  
8 provided in section 143.411.

9 6. In addition to the modifications to a taxpayer's federal  
10 adjusted gross income in this section, to calculate Missouri  
11 adjusted gross income there shall be subtracted from the  
12 taxpayer's federal adjusted gross income any gain recognized  
13 pursuant to Section 1033 of the Internal Revenue Code of 1986, as  
14 amended, arising from compulsory or involuntary conversion of  
15 property as a result of condemnation or the imminence thereof.

16 7. (1) As used in this subsection, "qualified health  
17 insurance premium" means the amount paid during the tax year by  
18 such taxpayer for any insurance policy primarily providing health  
19 care coverage for the taxpayer, the taxpayer's spouse, or the  
20 taxpayer's dependents.

21 (2) In addition to the subtractions in subsection 3 of this  
22 section, one hundred percent of the amount of qualified health  
23 insurance premiums shall be subtracted from the taxpayer's  
24 federal adjusted gross income to the extent the amount paid for  
25 such premiums is included in federal taxable income. The  
26 taxpayer shall provide the department of revenue with proof of  
27 the amount of qualified health insurance premiums paid.

28 8. (1) Beginning January 1, 2009, in addition to the

1 subtractions provided in this section, one hundred percent of the  
2 cost incurred by a taxpayer for a home energy audit conducted by  
3 an entity certified by the department of natural resources under  
4 section 640.153, RSMo, or the implementation of any energy  
5 efficiency recommendations made in such an audit shall be  
6 subtracted from the taxpayer's federal adjusted gross income to  
7 the extent the amount paid for any such activity is included in  
8 federal taxable income. The taxpayer shall provide the  
9 department of revenue with a summary of any recommendations made  
10 in a qualified home energy audit, the name and certification  
11 number of the qualified home energy auditor who conducted the  
12 audit, and proof of the amount paid for any activities under this  
13 subsection for which a deduction is claimed. The taxpayer shall  
14 also provide a copy of the summary of any recommendations made in  
15 a qualified home energy audit to the department of natural  
16 resources.

17 (2) At no time shall a deduction claimed under this  
18 subsection by an individual taxpayer or taxpayers filing combined  
19 returns exceed one thousand dollars per year or cumulatively  
20 exceed two thousand dollars per taxpayer or taxpayers filing  
21 combined returns.

22 (3) Any deduction claimed under this subsection shall be  
23 claimed for the tax year in which the qualified home energy audit  
24 was conducted or in which the implementation of the energy  
25 efficiency recommendations occurred. If implementation of the  
26 energy efficiency recommendations occurred during more than one  
27 year, the deduction may be claimed in more than one year, subject  
28 to the limitations provided under subdivision (2) of this



1 subsection.

2 (4) A deduction shall not be claimed for any otherwise  
3 eligible activity under this subsection if such activity  
4 qualified for and received any rebate or other incentive through  
5 a state-sponsored energy program or through an electric  
6 corporation, gas corporation, electric cooperative, or  
7 municipally-owned utility.

8 9. The provisions of subsection 8 of this section shall  
9 expire on December 31, 2013.

10 144.526. 1. This section shall be known, and may be cited  
11 as the "Show Me Green Sales Tax Holiday".

12 2. For purposes of this section, the following terms mean:

13 (1) "Appliance", clothes washers and dryers, water heaters,  
14 trash compactors, dishwashers, conventional ovens, ranges,  
15 stoves, air conditioners, furnaces, refrigerators and freezers;  
16 and

17 (2) "Energy star certified", any appliance approved by both  
18 the United States Environmental Protection Agency and the United  
19 States Department of Energy as eligible to display the energy  
20 star label, as amended from time to time.

21 3. In each year beginning on or after January 1, 2009,  
22 there is hereby specifically exempted from state sales tax law  
23 all retail sales of any energy star certified new appliance, up  
24 to one thousand five hundred dollars per appliance, during a  
25 seven-day period beginning at 12:01 a.m. on April nineteenth and  
26 ending at midnight on April twenty-fifth.

27 4. A political subdivision may allow the sales tax holiday  
28 under this section to apply to its local sales taxes by enacting

1 an ordinance to that effect. Any such political subdivision  
2 shall notify the department of revenue not less than forty-five  
3 calendar days prior to the beginning date of the sales tax  
4 holiday occurring in that year of any such ordinance or order.

5 5. This section may not apply to any retailer when less  
6 than two percent of the retailer's merchandise offered for sale  
7 qualifies for the sales tax holiday. The retailer shall offer a  
8 sales tax refund in lieu of the sales tax holiday.

9 161.365. 1. The department of elementary and secondary  
10 education shall, in consultation with the department of health  
11 and senior services, and a panel of interested stakeholders,  
12 including cleaning product industry representatives,  
13 nongovernmental organizations, and others, establish and amend on  
14 an annual basis guidelines and specifications for green cleaning  
15 programs, including environmentally-sensitive cleaning and  
16 maintenance products, paper product purchases, and equipment  
17 purchases for cleaning programs. The department shall provide  
18 multiple avenues by which cleaning products may be determined to  
19 be environmentally-sensitive under the guidelines. Guidelines  
20 and specifications shall be established after a review and  
21 evaluation of existing research and shall be completed no later  
22 than one hundred eighty days after August 28, 2008. Guidelines  
23 and specifications may include implementation practices,  
24 including inspection. The completed guidelines and  
25 specifications shall be posted on the department of elementary  
26 and secondary education's official web site.

27 2. Upon completion of the guidelines and specifications  
28 required under subsection 1 of this section, the department of

1 elementary and secondary education shall provide each district  
2 with a printed copy of the guidelines and specifications. Each  
3 district shall then immediately disseminate the guidelines and  
4 specifications to every school in the district. In the event the  
5 guidelines and specifications are updated by the department of  
6 elementary and secondary education, the department shall provide  
7 the updates to each district for immediate dissemination to each  
8 school. Additionally, the department of elementary and secondary  
9 education shall post all updated materials on the department's  
10 official web site.

11 3. The department of elementary and secondary education may  
12 promulgate rules and regulations necessary to carry out the  
13 provisions of this section. Any rule or portion of a rule, as  
14 that term is defined in section 536.010, RSMo, that is created  
15 under the authority delegated in this section shall become  
16 effective only if it complies with and is subject to all of the  
17 provisions of chapter 536, RSMo, and, if applicable, section  
18 536.028, RSMo. This section and chapter 536, RSMo, are  
19 nonseverable and if any of the powers vested with the general  
20 assembly pursuant to chapter 536, RSMo, to review, to delay the  
21 effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 2008,  
24 shall be invalid and void.

25 251.650. 1. Not less than twice each calendar year,  
26 representatives from the department of labor and industrial  
27 relations, the department of elementary and secondary education,  
28 the department of agriculture, the department of economic

1 development, and the department of natural resources shall meet  
2 to discuss ways in which their respective agencies may  
3 collaborate in order to secure grants established in the Energy  
4 Independence and Security Act of 2007, Public Law 110-140, or  
5 other such grants that would fund: green jobs; the production of  
6 renewable fuels; increasing energy efficiency of products,  
7 buildings and vehicles; and increasing research and development  
8 relating to the manufacturing of renewable energy technologies.  
9 The department of natural resources is hereby designated as the  
10 coordinating agency for the inter-agency collaboration under this  
11 section.

12 2. In fulfilling the goals under this section, any of the  
13 departments under subsection 1 of this section may confer with,  
14 or invite participation by, any other interested individual,  
15 agency, or organization, which shall include but not be limited  
16 to non-profit organizations, private sector entities,  
17 institutions of higher education, and local governments. Such  
18 departments may enter into partnerships with, in accordance with  
19 federal grant requirements and as otherwise allowable by law, any  
20 individual, agency, or organization in securing a grant under  
21 this section.

22 3. No later than the first Wednesday after the first Monday  
23 of January each year, the departments outlined in subsection 1 of  
24 this section shall report jointly to the general assembly and to  
25 the governor the actions taken by their agencies in securing the  
26 grants outlined in this section.

27 386.850. The Missouri energy task force created by  
28 executive order 05-46 shall reconvene at least one time per year

1 for the purpose of reviewing progress made toward meeting the  
2 recommendations set forth in the task force's final report as  
3 issued under the executive order. The task force shall issue its  
4 findings in a status report to the governor and general assembly  
5 no later than December thirty-first of each year.

6 393.1045. Any renewable mandate required by law shall not  
7 raise the retail rates charged to the customers of electric  
8 retail suppliers by an average of more than one percent in any  
9 year, and all the costs associated with any such renewable  
10 mandate shall be recoverable in the retail rates charged by the  
11 electric supplier. Solar rebates shall be included in the one  
12 percent rate cap provided for in this section.

13 640.017. 1. For activities that may require multiple  
14 environmental state permits, an applicant may request to  
15 coordinate a unified permit schedule with the department which  
16 covers the timing and order to obtain such permits. In  
17 determining the schedule, the department and applicant shall  
18 consider which permits are most critical for the regulated  
19 activity, the need for unified public participation for all of  
20 the regulated aspects of the permitted activity, the applicant's  
21 anticipated staging of construction and financing for the  
22 permitted activity, and the applicant's use of innovative  
23 environmental approaches or strategies to minimize its  
24 environmental impacts.

25 2. The department may initiate the unified permits process  
26 for a class of similar activities by notifying any known  
27 applicants interested in those regulated activities of the intent  
28 to use the unified process. To the extent practicable and

1 consistent with the purposes of this section, the department  
2 shall coordinate with interested applicants on the unified permit  
3 schedule.

4 3. The department shall determine all of the permits  
5 required for a specific proposed activity based on information  
6 provided by the applicant; additional information regarding the  
7 proposed activity may result in different permits being required.  
8 The department shall propose a unified permitting schedule to  
9 interested applicants. Any multiple-permit applicant may decline  
10 at any time to have its permits processed in accordance with the  
11 schedule and instead proceed in a permit-by-permit approach. The  
12 department shall publicize the order and tentative schedule on  
13 the department's Internet web site.

14 4. Following the establishment of a unified permit  
15 schedule, the director shall notify the applicant in writing of  
16 the order in which the applicant shall obtain permits. The  
17 department shall proceed to consider applications accordingly and  
18 may only modify the schedule with the consent of the applicant  
19 through the date of the public hearing. Each application shall  
20 be reviewed by the department based solely on its own merits and  
21 compliance with the applicable law.

22 5. The department shall coordinate with the applicant, to  
23 the extent possible, to align the unified permit process so that  
24 all public meetings or hearings related to the permits are  
25 consolidated into one hearing in a location near the facility.

26 6. In furtherance of this section, the director may waive  
27 otherwise applicable procedural requirements related to timing as  
28 set forth in state environmental laws or rules found in this

chapter and chapters 260, 444, and 644, RSMo, so long as:

(1) The public comment periods related to each permit are not shortened; and

(2) The unified permitting schedule does not impair the ability of the applicant or the department to comply with substantive legal requirements related to the permit application.

7. The director shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

640.153. 1. As used in this section, the following terms mean:

(1) "Applicant", an entity that applies to the department for certification as a qualified home energy auditor;

(2) "Department", the department of natural resources;

(3) "Qualified home energy audit", a home energy audit conducted by an entity certified by the department as a qualified home energy auditor, the purpose of which is to provide energy efficiency recommendations that will reduce the energy use or the

1 utility costs or both, of a residential or commercial building;

2 (4) "Qualified home energy auditor", an applicant who has  
3 met the certification requirements established by the department  
4 and whose certification has been approved by the department.

5 2. The department shall develop criteria and requirements  
6 for certification of qualified home energy auditors. Any  
7 applicant shall provide the department with an application,  
8 documentation, or other information as the department may  
9 require. The department may establish periodic requirements for  
10 qualified home energy auditors to maintain certification.

11 3. The department shall provide successful applicants with  
12 written notice that the applicant meets the certification  
13 requirements.

14 640.157. The energy center of the department of natural  
15 resources shall serve as a central point of coordination for  
16 activities relating to energy sustainability in the state. As  
17 such, the energy center shall:

18 (1) Consult and cooperate with other state agencies to  
19 serve as a technical advisor on sustainability issues, including  
20 but not limited to, renewable energy use and green building  
21 design and construction;

22 (2) Provide technical assistance to local governments,  
23 businesses, schools, and homeowners on sustainability issues,  
24 including but not limited to, renewable energy use and green  
25 building design and construction; and

26 (3) Conduct outreach and education efforts, which may be in  
27 coordination with community action agencies, for the purpose of  
28 informing the general public about financial assistance



1 opportunities for energy conservation, including but not limited  
2 to, tax incentives.

3 640.216. 1. There is hereby created in the state treasury  
4 the "Studies in Energy Conservation Fund", which shall consist of  
5 moneys appropriated by the general assembly or donated by any  
6 individual or entity. The fund shall be administered by the  
7 department of higher education in coordination with the  
8 department of natural resources. Upon appropriation, money in  
9 the fund shall be used solely for the purposes set forth in this  
10 section and for any administrative expenses involving the  
11 implementation of this section. Notwithstanding the provisions  
12 of section 33.080, RSMo, to the contrary, any moneys remaining in  
13 the fund at the end of the biennium shall not revert to the  
14 credit of the general revenue fund. The state treasurer shall  
15 invest moneys in the fund in the same manner as other funds are  
16 invested. Any interest and moneys earned on such investments  
17 shall be credited to the fund.

18 2. Subject to an initial appropriation from the fund, there  
19 is hereby established at the discretion of the department of  
20 higher education in coordination with the department of natural  
21 resources a full professorship of energy efficiency and  
22 conservation.

23 3. At such time as the professorship of energy efficiency  
24 and conservation required by subsection 2 of this section has  
25 been established, the department of higher education in  
26 coordination with the department of natural resources may  
27 appropriate any remaining moneys from the fund for the purpose of  
28 establishing substantially similar full professorships of energy

1 efficiency and conservation at any public university within this  
2 state.

3 4. The duties of the full professor of energy efficiency  
4 and conservation and of any professors holding positions  
5 established under subsection 3 of this section shall primarily be  
6 to conduct studies and research regarding energy efficiency, but  
7 may also include studies and research regarding renewable energy.  
8 Such research may involve the evaluation of policy proposals and  
9 legislation relating to energy efficiency or renewable energy.

10 701.500. 1. As used in sections 701.500 to 701.515, the  
11 following terms shall mean:

12 (1) "Department", the department of natural resources;

13 (2) "Director", the director of the department of natural  
14 resources;

15 (3) "Energy Star program", a joint program of the United  
16 States Environmental Protection Agency and the United States  
17 Department of Energy that identifies and promotes energy  
18 efficient products and practices.

19 2. The provisions of sections 701.500 to 701.515 shall  
20 apply to appliances and consumer electronics that have earned the  
21 Energy Star under the Energy Star program or that have minimum  
22 energy efficiency standards required under federal law.

23 3. No person shall sell, offer for sale, or install any new  
24 product listed in subsection 2 of this section in the state  
25 unless the product meets the minimum energy efficiency standards  
26 under sections 701.500 to 701.515.

27 4. The provisions of sections 701.500 to 701.515 shall not  
28 apply to products:

1       (1) Manufactured in the state and sold outside the state;

2       (2) Manufactured outside the state and sold at wholesale  
3 inside the state for final retail sale outside the state;

4       (3) Installed in mobile manufactured homes at the time of  
5 construction; or

6       (4) Designed expressly for installation and use in  
7 recreational vehicles.

8       701.503. 1. In conjunction with the advisory group under  
9 section 701.509, the director shall promulgate, by rule, the  
10 minimum energy efficiency standards for the products in  
11 subsection 2 of section 701.500. Any rule or portion of a rule,  
12 as that term is defined in section 536.010, RSMo, that is created  
13 under the authority delegated in this section shall become  
14 effective only if it complies with and is subject to all of the  
15 provisions of chapter 536, RSMo, and, if applicable, section  
16 536.028, RSMo. This section and chapter 536, RSMo, are  
17 nonseverable and if any of the powers vested with the general  
18 assembly pursuant to chapter 536, RSMo, to review, to delay the  
19 effective date, or to disapprove and annul a rule are  
20 subsequently held unconstitutional, then the grant of rulemaking  
21 authority and any rule proposed or adopted after August 28, 2008,  
22 shall be invalid and void.

23       2. The standards enacted by the director, in conjunction  
24 with the advisory group under section 701.509, shall not be more  
25 stringent than the federal Energy Star program requirements or,  
26 if no such requirements are applicable, the minimum standard  
27 required by federal law.

28       701.506. In conjunction with the advisory group under

1 section 701.509, the department shall update the minimum energy  
2 efficiency standards in section 701.503 not less than once every  
3 three years beginning from the date the standards were first  
4 promulgated by rule. The purpose of any such update shall be to  
5 keep the state standards current with technological advancements  
6 and industry practices with regard to energy efficiency, while  
7 also giving due consideration to consumer and environmental costs  
8 and benefits. The department shall strive to have the standards  
9 achieve greater energy efficiency over time in a prudent and  
10 reasonable manner. Standards shall not be more stringent than  
11 required by the federal Energy Star program requirements or, if  
12 no such requirements are applicable, the minimum standard  
13 required by federal law.

14 701.509. 1. The "Appliance Energy Efficiency Advisory  
15 Group" is hereby created. The purpose of the advisory group is  
16 to advise the department on the development and updating of the  
17 minimum energy efficiency standards for products under sections  
18 701.500 to 701.515. The advisory group shall consist of the  
19 following eleven members who shall be appointed, in staggered  
20 terms, by the director:

21 (1) A representative from the public service commission who  
22 is knowledgeable in energy efficiency;

23 (2) A representative of the office of public counsel;

24 (3) A representative of an electric or natural gas utility  
25 who is knowledgeable in energy efficiency;

26 (4) The director of the energy center at the department of  
27 natural resources, or his or her designee;

28 (5) Two representatives from the appliance manufacturing

industry;

(6) Three representatives with technical knowledge in energy efficiency and appliances, including but not limited to, electrical or energy engineers;

(7) One representative from the home construction industry; and

(8) One representative from the commercial building industry.

2. Each member shall serve a term of three years and may be reappointed. The advisory group members shall serve without compensation but may be reimbursed for expenses incurred in connection with their duties. The advisory group shall meet as needed, but not less than two times per year. The department shall provide staff for the advisory group.

701.512. 1. The department shall adopt procedures for testing the energy efficiency of the new products covered by sections 701.500 to 701.515. The department shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods. The manufacturers of such products shall cause samples of their products to be tested in accordance with the test procedures adopted pursuant to sections 701.500 to 701.515.

2. Manufacturers of new products covered by sections 701.500 to 701.515 shall certify to the director that such products are in compliance with the provisions of sections 701.500 to 701.515. The director shall promulgate regulations governing the certification of such products and may coordinate

1 with the certification program of other states with similar  
2 standards.

3 3. Manufacturers of new products covered by sections  
4 701.500 to 701.515 shall identify each product offered for sale  
5 or installation in the state as in compliance with the provisions  
6 of sections 701.500 to 701.515 by means of a mark, label, or tag  
7 on the product and packaging at the time of sale or installation.  
8 The director shall promulgate regulations governing the  
9 identification of such products and packaging, which shall be  
10 coordinated to the greatest practical extent with the labeling  
11 programs of other states and federal agencies with equivalent  
12 efficiency standards.

13 4. The director may test products covered by sections  
14 701.500 to 701.515. If products so tested are found not to be in  
15 compliance with the minimum efficiency standards established  
16 under sections 701.500 to 701.515, the director shall:

17 (1) Charge the manufacturer of such product for the cost of  
18 product purchase and testing, and

19 (2) Make information available to the public on products  
20 found not to be in compliance with the standards.

21 5. The director may cause periodic inspections to be made  
22 of distributors or retailers of new products covered by sections  
23 701.500 to 701.515 in order to determine compliance with the  
24 provisions of these sections.

25 6. The director is hereby granted the authority to adopt  
26 such further regulations as necessary to insure the proper  
27 implementation and enforcement of the provisions of sections  
28 701.500 to 701.515. Any rule or portion of a rule, as that term

1 is defined in section 536.010, RSMo, that is created under the  
2 authority delegated in this section shall become effective only  
3 if it complies with and is subject to all of the provisions of  
4 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
5 This section and chapter 536, RSMo, are nonseverable and if any  
6 of the powers vested with the general assembly pursuant to  
7 chapter 536, RSMo, to review, to delay the effective date, or to  
8 disapprove and annul a rule are subsequently held  
9 unconstitutional, then the grant of rulemaking authority and any  
10 rule proposed or adopted after August 28, 2008, shall be invalid  
11 and void.

12 701.515. The director shall investigate complaints received  
13 concerning violations of sections 701.500 to 701.515 and shall  
14 report the results of such investigations to the attorney  
15 general. The attorney general may institute proceedings to  
16 enforce the provisions of sections 701.500 to 701.515.

17 Section 1. Notwithstanding any other provision of law, any  
18 electrical corporation as defined by subdivision 15 of section  
19 386.020, RSMo, which, by January 20, 2009, achieves an amount of  
20 eligible renewable energy technology nameplate capacity equal to  
21 or greater than fifteen percent of such corporation's total owned  
22 fossil-fired generating capacity, shall be exempt thereafter from  
23 a requirement to pay any installation subsidy, fee, or rebate to  
24 its customers that install their own solar electric energy system  
25 and shall be exempt from meeting any mandated solar renewable  
26 energy standard requirements. Any disputes or denial of  
27 exemptions under this section may be reviewable by the circuit  
28 court of Cole County as prescribed by law.

|   |              |                  |
|---|--------------|------------------|
| 1 |              | ✓                |
| 2 | <hr/>        |                  |
| 3 |              |                  |
| 4 |              |                  |
| 5 |              |                  |
| 6 |              |                  |
| 7 | <hr/>        | <hr/>            |
| 8 | Kevin Engler | Billy Pat Wright |